



Atty. Docket No. 02-640-US

16

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD FOR BRANDING A FACILITY, the specification of which

Regular Application

is attached hereto.

was filed on June 21, 2000 as Application Serial No. 09/598,506 and was amended on [Date of Amendment] (if applicable).

PCT Application Entering National Phase

was filed on [Date] as PCT International Application No. [App. No.] and was amended on [Date of Amendment] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

| (Number) | (Country) | (Day/Month/Year Filed) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|----------|-----------|------------------------|------------------------------|-----------------------------|
|----------|-----------|------------------------|------------------------------|-----------------------------|

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

| (Application Number) | (Filing Date) |
|----------------------|---------------|
|----------------------|---------------|

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| (Application Serial No.) | (Filing Date) | (Status-patented, pending, abandoned) |
|--------------------------|---------------|---------------------------------------|
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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Frederick H. Colen, Reg. No. 28,061; Gene A. Tabachnick, Reg. No. 33,801; Maria N. Bernier, Reg. No. 37,433; Louis A. DePaul, Reg. No. 28,407; Paul D. Bangor, Jr., Reg. No. 34,768; Kirsten R. Rydstrom, Reg. No. 38,603; Barry J. Coyne, Reg. No. 43,566; Charles H. Dougherty, Jr., Reg. No. 42,494; Robert D. Kucler, Reg. No. 45,908; Joshua S. Bish, Reg. No. 51,475; Cheryl L. Gastineau, Reg. No. 39,469; Ian K. Samways, Reg. No. 36,664; James G. Dilmore, Reg. No. 51,618; Louis M. Heidelberger, Reg. No. 27,899; John W. Goldschmidt, Jr., Reg. No. 34,828; William J. McNichol, Jr., Reg. No. 31,179; Maryellen Feehery, Reg. No. 44,677; Carl H. Pierce, Reg. No. 45,730; Nanda P.B.A. Kumar, Reg. No. 44,853; Thomas J. McWilliams, Reg. No. 44,930; Matthew J. Esserman, Reg. No. 41,536; Jonathan M. Darcy, Reg. No. 44,054; Todd A. Norton, Reg. No. 48,636; Jerome G. Schaefer, Reg. No. 50,800; Lawrence B. Ebert, Reg. No. 38,438; Marc J. Farrell, Reg. No. 37,826; Kurt L. Ehresman, Reg. No. 50,758; Stanley P. Fisher, Reg. No. 24,344; Juan Carlos A. Marquez, Reg. No. 34,072; Gerald Kiel, Reg. No. 25,116; Eugene LeDonne, Reg. No. 35,930; Michael I. Wolfson, Reg. No. 24,750; Jules Goldberg, Reg. No. 24,408; Lloyd McAulay, Reg. No. 20,423; Arthur Dresner, Reg. No. 24,403; William H. Dippert, Reg. No. 26,723; Stephen Chin, Reg. No. 39,938; Daniel Lent, Reg. No. 44,867; Harry K. Ahn, Reg. No. 40,243; and Mary E. Buckles, Reg. No. 31,907 of Reed Smith LLP, P.O. Box 488, Pittsburgh, PA 15230-0488.

- Address all telephone calls to Cheryl L. Gastineau at telephone number (412) 288-4152.

Address all correspondence to:

Cheryl L. Gastineau  
REED SMITH LLP  
P.O. Box 488  
Pittsburgh, PA 15230-0488

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature



Date: 1/2/03

Full name of sole or first inventor

Thomas G. Lapcevic

Residence

Pittsburgh, PA

Citizenship

USA

Post Office Address

32 White Birch Circle  
Pittsburgh, PA 15220

Inventor's Signature



Date: \_\_\_\_\_

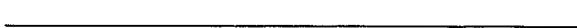
Full name of second inventor

Residence

Citizenship

Post Office Address

Inventor's Signature



Date: \_\_\_\_\_

Full name of third inventor

Residence

Citizenship

Post Office Address

Reed Smith LLP

P.O. Box 488

Pittsburgh, PA 15230-0488

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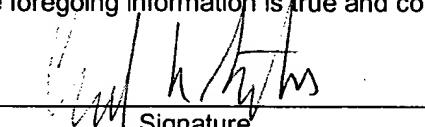
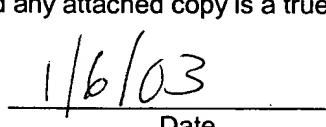
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To the Director of the U.S. Patent and Trademark Office: Please record the attached original documents or copy thereof.

|   |  |  |
|---|--|--|
| 1. Name of conveying party(ies):<br><br>Thomas G. Lapcevic<br><br>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  | 2. Name and address of receiving party(ies):<br><br>Name: ClubCom, Inc.<br><br>Address: One Penn Center Boulevard<br><br>City: Pittsburgh State: PA Zip: 15276<br><br>Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| 3. Nature of conveyance:<br><br><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger<br><input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name<br><input type="checkbox"/> Other _____ |  |  |
| Execution Date: January 2, 2003   |  |  |
| 4. Application number(s) or patent number(s)<br><br>If this document is being filed together with a new application, the execution date of the application is: _____  |  |  |
| A. Patent Application No(s).<br>09/598,506  |  | B. Patent No(s).   |
| Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |  |
| 5. Name and address of party to whom correspondence concerning document should be mailed:<br><br>Name: Cheryl L. Gastineau<br><br>REED SMITH LLP<br><br>Address: P.O. Box 488<br><br>City: Pittsburgh State: PA Zip: 15230                    |  | 6. Total number of applications and patents involved: <u>one</u><br><br>7. Total fee (37 CFR 3.41): \$ <u>40.00</u><br><input checked="" type="checkbox"/> Enclosed<br><input type="checkbox"/> Authorized to be charged to deposit account<br><input checked="" type="checkbox"/> Charge any deficiency to deposit account<br><br>8. Deposit account number:<br><br><u>18-0582</u><br>(Attach duplicate copy of this page if paying by deposit account) |
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| 9. Statement and signature<br><br>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true and correct copy of the original document.  |  |  |
| Cheryl L. Gastineau<br>Name of Person Signing   |  | <br>Signature  |
|   |  | <br>1/6/03<br>Date  |
| Total number of pages including cover sheet, attachments, and document: <u>3</u>  |  |  |

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

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deposited with the United States Postal Service on January 6, 2003 with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, Washington, D.C. 20231.

Debbie LeDonne



(Signature of person mailing paper or fee)

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transmitted by facsimile on [date] to the U.S. Patent and Trademark Office.

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U. S. Patent Office

To the Director of the U.S. Patent and Trademark Office: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Thomas G. Lapcevic

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: January 2, 2003

## 2. Name and address of receiving party(ies):

Name: ClubCom, Inc.

COPY

Address: One Penn Center BoulevardCity: Pittsburgh State: PA Zip: 15276Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s)

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No(s).

09/598,506

## B. Patent No(s).

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Cheryl L. Gastineau

REED SMITH LLP

Address: P.O. Box 488City: Pittsburgh State: PA Zip: 15230

## 6. Total number of applications and patents involved: \_\_\_\_\_

one7. Total fee (37 CFR 3.41): \$ 40.00 Enclosed Authorized to be charged to deposit account Charge any deficiency to deposit account

## 8. Deposit account number:

18-0582

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## 9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true and correct copy of the original document.

Cheryl L. Gastineau

Name of Person Signing

Signature

Date

1/6/03Total number of pages including cover sheet, attachments, and document: 3

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**A S S I G N M E N T**

WHEREAS, I, THOMAS G. LACEVIC, a citizen of the United States of America, whose post office address is 32 White Birch Circle, Pittsburgh, PA 15220, have invented and own a certain invention entitled

**METHOD FOR BRANDING A FACILITY**

for which an application for Letters Patent of the United States was filed on June 21, 2000 and assigned Serial Number 09/598,506; and

WHEREAS, ClubCom, Inc., a corporation organized and existing under the laws of the State of Delaware and having a place of business at One Penn Center Boulevard, Pittsburgh, PA 15276 (hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and in, to and under Letters Patent or similar legal protection to be obtained therefor in the United States and in any and all foreign countries.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the full and exclusive right, title and interest to said invention in the United States and its territorial possessions and in all foreign countries and to all Letters Patent or similar legal protection in the United States and its territorial possessions and in any and all foreign countries to be obtained for said invention by any application or any continuation, divisional, renewal, substitute or reissue thereof or any legal equivalent thereof in a foreign country for the full term or terms for which the same may be granted.

ASSIGNOR HEREBY COVENANTS that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale; and

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents in foreign countries as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof in any foreign country which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I have hereunto set hand and seal this \_\_\_\_\_  
day of 1/2/03, 2003.

THOMAS G. LAPCEVIC

STATE OF

1

**COUNTY OF**

1

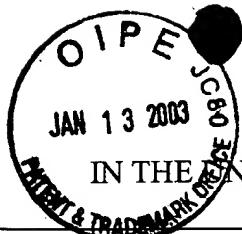
BE IT KNOWN, that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_,  
\_\_\_\_\_, before me personally came THOMAS G. LAPCEVIC, to me known to be the  
person mentioned in and who executed the foregoing assignment, and he  
acknowledged to me that he executed the same as his free act and deed for the use  
and purposes therein mentioned.

## Notary Public

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LAPCEVIC

Serial No.: 09/598,506

Filed: June 21, 2000

Atty. Docket No.: 02-640-US

## **METHOD FOR BRANDING A FACILITY**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: ClubCom, Inc.

ADDRESS OF  
CONCERN

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **Method For Branding A Facility** by inventor Thomas G. Lapcevic, described in

- the specification filed herewith.
- Application Serial No. 09/598,506, filed June 21, 2000.
- Patent No. [Pat. No.], issued [Issue Date].

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: *Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)*

NAME:

ADDRESS:

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

NAME:

ADDRESS:

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

NAME:

ADDRESS:

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Thomas G. Lapcevic

TITLE IN ORGANIZATION: President

ADDRESS OF PERSON SIGNING: 32 White Birch Circle, Pittsburgh, PA 15220

SIGNATURE



DATE 1/21/03